



Before the Appellate Board
National Electric Power Regulatory Authority
(NEPRA)
Islamic Republic of Pakistan

NEPRA Office , Atta Turk Avenue (East), G5/1, Islamabad
Tel. No. +92 051 2013200 Fax No. +92 051 2600028
Website: www.nepra.org.pk E-mail: office@nepra.org.pk

No. NEPRA/AB/Appeal-001/POI-2015/ 421-423

May 08, 2015

1. Munawar Islam
S/o Abdus Salam,
Porp: M/s Yasrab Ice Factory,
R/o Chak No. 12/Faiz, Near Basti Malook,
District Lodhran
2. The Chief Executive Officer
MEPCO Ltd,
Khanewal Road,
Multan
3. Sub Divisional Officer (Op)
MEPCO Ltd,
Basti Malook Sub Division,
District Lodhran

Subject: Appeal Titled Munawar Islam Vs. MEPCO Against the Decision Dated 05.12.2014 of the Electric Inspector/POI to Government of the Punjab Multan Region, Multan

Please find enclosed herewith the order of the Appellate Board dated 08.05.2015, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(M. Qamar Uz Zaman)

No. NEPRA/AB/Appeal-001/POI-2015/ 424

May 08, 2015

Forwarded for information please.


Member Appellate Board

1. Registrar
2. Director (CAD)
3. Electric Inspector/POI, Multan Region
4. Master File

CC:

1. Chairman
2. Vice Chairman/Member (CA)
3. Member (Tariff)
4. Member (M&E)/Licensing



11/5

Registrar	5/85
Dy No.....
Dated.....	11-05-15



National Electric Power Regulatory Authority

Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-001/POI-2015

Abdul Salam, S/o Khan Muhammad (Late), Through Munawar Salam, Real Son, Prop: M/s Yasrab Ice Factory, Chak No. 12/Faiz, Basti Malook, District Lodhran

.....Appellant

Versus

Multan Electric Power Company Limited

.....Respondent

Date of Hearing:

09/04/2015

For the appellant:

Munawar Salam

For the respondent:

Muhamamd Ali SDO MEPCO

Muhammad Azam LDC MEPCO

ORDER

1. This order shall dispose of an appeal filed by Munawar Salam (hereinafter referred to as the appellant) against the decision dated 05.12.2014 of the Provincial Office of Inspection/Electric Inspector Multan Region, Multan (hereinafter referred to as POI) under Section 38(3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (hereinafter referred to as "the Act").
2. Brief facts giving rise to the instant appeal are that Multan Electric Power Company Limited (hereinafter referred to as MEPCO) is a licensee of National Electric Power Regulatory

Page 1 of 6



National Electric Power Regulatory Authority

Authority (hereinafter referred to as NEPRA) for distribution of electricity in the territory specified as per terms and conditions of the distribution license and the appellant is its industrial consumer bearing Ref No. 27-15426-1504201 with a sanctioned load of 77 kW under tariff B-2b.

3. The metering equipment of the appellant was checked by MEPCO on 05.06.2014 and TOU meter was declared 32.8 % slow, date and time were also found wrong and the backup meter was found 33.08 % slow. The checking report was signed by the appellant. Notice with respect to above checking was issued by MEPCO to the appellant on 17.06.2014. A detection bill of Rs. 610,245/- for Off Peak=32,800 units, Peak=3,291 units and MDI=122 kW was issued by MEPCO to the appellant due to 32.8 % slowness of the TOU meter for the period August 2013 to October 2013. As no slowness was charged for the month of July 2014, hence a difference bill of Rs. 174,137/- was assessed for July 2014 which was added in the above mentioned detection bill and total detection bill of Rs. 784,382/- was issued to the appellant for August 2013 to October 2013 and July 2014 in the month of August 2014.
4. Being aggrieved with the above detection bill of Rs. 784,382/-, the appellant filed an application dated 21.08.2014 before POI and challenged the above mentioned detection bill for August 2014 on the basis of enhanced M.F. from 20 to 29.76 due to 32.8 % slowness and pleaded that it was done in violation of NEPRA approved Consumer Services Manual (hereinafter referred to as CSM). The appellant requested for checking of the disputed metering equipment for its accuracy by POI. He stated that the M&T of MEPCO visited his ice factory on 10.06.2014 and declared the billing meter working 32.8 % slow and his M.F. was raised from 20 to 29.76. He informed that a detection bill of Rs. 610,245/- for the period from August 2013 to October 2013 and adjustment of Rs. 32,880/- along with Rs. 174,137/- for July 2014 was issued in the billing month of August 2014. According to the appellant in pursuance of CSM, chapter 4, para 4.4 e, no previous charging was to be made incase where the meter became slow owing to age/other reason not related to illegal abstraction/stealing. He finally prayed as under:

"It is humbly prayed to kindly direct the Respondents to preserve the status of the meters at site and not to recover the impugned total detection bill amount of Rs. 7,84,382/- (Rs. 174,137/- plus Rs. 6,10,245/-), issue revised bill for 08/2014 and restore the supply of petitioner's

↓



National Electric Power Regulatory Authority

premises immediately. The Data Retrieval Report of the dispute meter may also be demanded to reach at the final conclusion (if required necessary) and the dispute may be decided on merit. Furthermore, a representative be deputed to visit the site for checking of metering equipment and verification of readings/load etc. to reach at the final conclusion. Any other legal remedy, which this honorable forum deems fit, may also be accorded, please."

5. In response to the above application, MEPCO contested the case before POI and submitted that meter of the appellant was checked on 05.06.2014 and declared 32.8 % slow and after issuing notice dated 17.06.2014 detection bill was charged for the period August 2013 to October 2013 and June 2014. MEPCO stated that M.F. was not raised and slowness was not charged for July 2014 hence difference bill of Rs. 174,137/- was debited to the appellant to recover the revenue lost due to slowness of the meter.
6. The application was decided by POI vide its decision dated 05.12.2014 and the operative portion of the decision is reproduced below:

"Keeping in view the above aspects of the case and summing up all the above narrated observations/conclusions, this forum declares the charging of detection bill from 08/2013 to 07/2014 and MDIs for 08/2014 & 09/2014 as Null, Void and of no legal effect. Respondents are directed to revise the detection on the basis of 30.82 % slowness (MF=28.91) and MDIs for 08/2014 & 09/2014 may be revised in series with the existing meter with conversion of future billing to check meter at the earliest to avoid any future litigation. The respondents are also directed to overhaul petitioner's account accordingly by adjusting all debits, credits, deferred amount & already made payments.

Disposed of in above terms."

7. Being aggrieved with the above decision dated 05.12.2014 of POI, the appellant has filed the instant appeal before NEPRA under section 38 (3) of the Act. The appellant reiterated the same facts which were earlier given in the application dated 21.08.2014 submitted to POI. He contended that no previous charging could be made in the matter where the meter became slow in pursuance of CSM approved by NEPRA. According to the appellant that the site was checked



National Electric Power Regulatory Authority

by Inspecting Officer of Office of POI on 02.09.2014 and it was found 30.82 % slow and MDI recorded was 77 kW. He averred that POI accepted the illegal plea of MEPCO without going in to merit and actual facts of case and consulting CSM. He stated that impugned decision of POI was based on surmises and manifestly against the law. He requested that impugned decision may be declared null & void and illegal. The appellant finally prayed as under:

"In view of the above, it is respectfully prayed that the impugned decision announced by the Electric Inspector, Multan in the capacity of Provincial Office of Inspection (POI) dated 05.12.2014 may very kindly be declared Null, Void & violative of Consumer Services Manual (CSM) and respondents may be directed to install check meter in series with the existing disputed billing meter with conversion of future billing to check meter and appeal may be decided as per result of slowness of meter after comparison of readings of disputed & check meter keeping in view the period of slowness in the light of CSM. Any other remedy which this Honorable forum deems legally fit, may also be granted, please."

8. MEPCO was issued notice for filing reply/parawise comments, which were received on 06.04.2015. In reply/parawise comments, MEPCO, inter alia, strongly defended the impugned decision of POI and finally prayed as under:

"Whole the prayer of the appeal is based on concocted and fabricated material. The appeal may kindly be dismissed with cost and the appellant may be directed to deposit the electricity dues and detection bill."

9. After issuing notice to both the parties, the appeal was finally heard in Multan on 09.04.2015, in which both the parties were present. The appellant argued that the detection bill raised by MEPCO for the period August 2013 to October 2013 was violation of the CSM which does not allow for previous billing due to slowness of the meter. He pleaded that the impugned decision is illegal and void and was given by POI without consideration of facts and law and therefore liable to be set aside. Muhammad Ali SDO MEPCO defended impugned decision of POI and stated that it was established during the checking that the meter of the appellant remained 32.8



National Electric Power Regulatory Authority

% slow and detection bill raised for the period from August 2013 to October 2013 and July 2014 were legitimate and appellant is liable to pay the same. He pleaded for dismissal of the appeal.

10. We have heard the arguments of the appellant and MEPCO and examined the record placed before us and following are our observations:

- i. Meter of the appellant was checked by M&T MEPCO on 05.06.2014 and found 32.8 % slow. M.F. was raised from 20 to 29.76. Date and time were found wrong.
- ii. Detection bill of Rs. 610,245/- for the period from August 2013 to October 2013 and difference bill of Rs. 174,137/- for July 2014 were debited to the appellant in August 2014.
- iii. No check meter was installed in series with the disputed meter to check its accuracy which is violation of CSM. Joint checking of meter was conducted on 02.09.2014 and it was found 30.82 % slow with date and time off.
- iv. It has been noted that the billing due to slowness was not charged by MEPCO with retrospective effect when the meter was found slow on 05.06.2014.
- v. The NEPRA has approved the CSM for every distribution company including MEPCO in May 2010 under section 21 of the Act and Rule 9 of the NEPRA Licensing (Distribution) Rules, 1999. The CSM is an applicable document and it is obligatory for the MEPCO to follow the provisions of CSM to ensure safe, efficient, effective and reliable supply of electric power. According to clause 4.4(c) of CSM, in case of faulty metering equipment a check meter after informing the consumer is required to be installed in series with the defective meter in order to determine the accuracy of the defective meter. The defective meter shall be removed from the premises of the consumer with the written consent of the consumer. In the instant case no check meter was installed in series with the billing meter. Therefore it is established that MEPCO violated the provisions of CSM. According to clause 4.4 e of CSM, if a meter became slow then a consumer may be charged maximum for two billing cycles due to slowness of the meter till replacement of the meter.

11. In the view of the forgoing discussion it is concluded that the determination of POI in the impugned decision regarding the billing for the period from August 2013 and onwards with enhanced M.F. from 20 to 28.91 @ 30.82 % slowness is reasonable and the consumer is liable to



National Electric Power Regulatory Authority

pay the same. We do not find any reason to interfere in the impugned decision of POI and the same is therefore upheld. MEPCO is directed to overhaul the consumer account of the appellant accordingly. Further more the defective meter of the appellant shall be replaced by MEPCO without further delay.

12. The appeal is therefore dismissed.

Muhammad Qamar-uz-Zaman
Member

Nadir Ali Khoso
Convener

Muhammad Shafique
Member

Date: 08.05.2015